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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LISA ALLEN,) Case No.
)
Plaintiff,) COMPLAINT FOR VIOLATION
) OF THE PENNSYLVANIA FAIR
vs.) CREDIT EXTENSION
) UNIFORMITY ACT,
THE RESOURCE CENTER, INC.,) PENNSYLVANIA UNFAIR TRADE
) PRACTICES AND CONSUMER
Defendant.) PROTECTION LAW, AND
) FEDERAL FAIR DEBT
_____) COLLECTION PRACTICES ACT

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Pennsylvania Fair Credit Extension Uniformity Act and Pennsylvania Unfair Trade Practices and Consumer Protection Law. Furthermore, Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA"), which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k (d).

III. PARTIES

3. Plaintiff, Lisa Allen (“Plaintiff”), is a natural person residing in Philadelphia County in the state of Louisiana, and is a “consumer” as defined by the FDCPA, 15 U.S.C. §1692a(3).

4. At all relevant times herein, Defendant, The Resource Center, Inc., (“Defendant”) with its principle place of business in the Bucks County in the state of Pennsylvania, was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a “debt,” as defined by 15 U.S.C. §1692a(5). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

5. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

6. In May 2012, Defendant contacted Plaintiff in connection with an attempt to collect an alleged debt.

1 7. Defendant contacted Plaintiff at times and places that were known to
2 be inconvenient and with such a frequency as to constitute harassment under the
3 circumstances, including but not limited to, contacting Plaintiff's place of
4 employment at (215) 762-4711.
5

6 8. Defendant contacted Plaintiff at her place of employment at (215)
7 762-4711, despite being aware that such calls are against the policies of Plaintiff's
8 employer.
9

10 9. Defendant contacted Plaintiff's employer, a third party to this action,
11 disclosing to said third party, personal information and details regarding
12 Plaintiff's alleged debt, without being expressly requested.
13

14
15 **COUNT I: VIOLATION OF THE PENNSYLVANIA FAIR CREDIT**
16 **EXTENSION UNIFORMITY ACT**

17 10. Plaintiff hereby incorporates all facts and allegations set forth in this
18 Complaint by reference as if fully set forth at length herein.
19

20 11. The Pennsylvania Fair Credit Extension Uniformity Act
21 ("PaFCEUA") 73 P.S. § 2270.1 *et seq.* prohibits harassing and deceptive conduct
22 by creditors while engaging in the practice of collecting a debt from consumers.
23

24 12. Section 2270.5 of the PaFCEUA allows consumers to recover
25 damages against creditors who engage in unfair and deceptive debt collection
26 practices under the Pennsylvania Unfair Trade Practices and Consumer Protection
27 Law ("PUTCPL").
28

1 13. Plaintiff is a “consumer” as defined by § 2270.3 of the PaFCEUA.

2 14. Defendant is a “creditor” as defined by § 2270.3 of the PaFCEUA.

3
4 15. Defendant’s conduct violated the PaFCEUA in multiple ways,
5 including but not limited to:

6 a) Causing Plaintiff’s telephone to ring repeatedly or
7 continuously with intent to harass, annoy or abuse
8 Plaintiff;

9
10 b) Communicating with Plaintiff at times or places
11 which were known or should have been known to be
12 inconvenient for Plaintiff;

13 c) Engaging in conduct the natural consequence of
14 which is to harass, oppress, or abuse Plaintiff;

15
16 d) Repeatedly contacting Plaintiff at his/her place of
17 employment after being informed that such calls are
18 inconvenient to Plaintiff and violate the policy of
19 Plaintiff’s employer.

20 16. As a result of the above violations of the PaFCEUA Plaintiff
21 suffered and continues to suffer injury to Plaintiff’s feelings, personal humiliation,
22 embarrassment, mental anguish and emotional distress, and Defendant is liable to
23 Plaintiff for Plaintiff’s actual damages, statutory damages, and costs and
24 attorney’s fees.
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26
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28

1 **COUNT II: VIOLATION OF THE PENNSYLVANIA UNFAIR TRADE**
2 **PRACTICES AND CONSUMER PROTECTION LAW**

3 17. Plaintiff hereby incorporates all facts and allegations set forth in this
4 Complaint by reference as if fully set forth at length herein.

5 18. Defendant's conduct as set forth above constitutes an unfair or
6 deceptive practice within the meaning of the Pennsylvania Unfair Trade Practices
7 and Consumer Protection Law, 73 P.S. §201-1, et seq.

8 19. Defendant's violation of the Pennsylvania Unfair Trade Practices
9 and Consumer Protection law has caused Plaintiff to suffer the damage set forth
10 hereinabove.

11 20. Plaintiff is entitled to triple damages and attorneys' fees as a result of
12 Defendant's conduct, pursuant to 73 P.S. §201-9.2.

13 **COUNT III: VIOLATION OF FAIR DEBT**
14 **COLLECTION PRACTICES ACT**

15 21. Plaintiff reincorporates by reference all of the preceding paragraphs.

16 22. Defendant's conduct violated the FDCPA in multiple ways,
17 including but not limited to:

- 18 a) Causing Plaintiff's telephone to ring repeatedly or
19 continuously with intent to harass, annoy or abuse
20 Plaintiff (§1692d(5));

- b) Communicating with Plaintiff at times or places which were known or should have been known to be inconvenient for Plaintiff (§1692c(a)(1));
- c) Engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff (§1692d));
- d) Repeatedly contacting Plaintiff at his/her place of employment after being informed that such calls are inconvenient to Plaintiff and violate the policy of Plaintiff's employer (§1692c(a)(1)(3)).

23. As a result of the above violations of the FDCPA Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted this 21st day of September, 2012.

By: /s/ Cynthia Z. Levin
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